

EOD
05/17/2019

THE UNITED STATES BANKRUPTCY COURT 80/11
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE:

JOSEPH JOHN KUBALA
XXX-XX-6252
3505 SPRUCE STREET
ROYSE CITY, TX 75189

ERIN COLLEEN KUBALA
XXX-XX-7868

DEBTORS

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CASE NO. 19-40292-R

CHAPTER 13

ORDER DENYING CONFIRMATION OF CHAPTER 13 PLAN, SETTING 30-DAY DISMISSAL DEADLINE FOR FILING NEW CHAPTER 13 PLAN, AND SETTING FINAL DISMISSAL DEADLINE PERTAINING TO PLAN CONFIRMATION

ON THIS DATE, the Court considered the Confirmation of the Chapter 13 Plan proposed by the Debtors in the above captioned case. For the reasons set forth below, the Confirmation of the Chapter 13 Plan should be denied. In light of the failure of the Debtors to confirm a Chapter 13 Plan, and in order to insure the prompt administration of this case and to prevent any abuse of process, good cause exists for the entry of the following Order:

IT IS THEREFORE ORDERED that Confirmation of the Chapter 13 Plan proposed by the Debtors is DENIED without prejudice to the rights of the Debtors to file a new Chapter 13 Plan.

IT IS FURTHER ORDERED that the Debtors file a new Chapter 13 Plan within thirty (30) days of the date of this Order.

IT IS FURTHER ORDERED that, in the event the Debtors fail to file a new Chapter 13 Plan within thirty (30) days of the date of this Order, absent a further order of the Court extending such deadline for cause shown, or in the event the Debtors thereafter fail to confirm such new Chapter 13 Plan upon consideration by the Court under its normal procedures, this Chapter 13 case shall be dismissed, pursuant to §349(a) of the Bankruptcy Code, without further notice or hearing and ***with prejudice*** to the rights of the Debtors to file a subsequent petition under any of the provisions of Title 11, United States Bankruptcy Code, for a period of one hundred twenty (120) days from the entry of the order of dismissal, and the Chapter 13 Trustee shall be authorized, following the payment of any allowed administrative expenses, to remit any sums remaining in her possession to the Debtors.

Signed on 5/17/2019

Brenda T. Rhoades SR
HONORABLE BRENDA T. RHOADES,
UNITED STATES BANKRUPTCY JUDGE

Certificate of Notice Page 2 of 4

United States Bankruptcy Court
Eastern District of TexasIn re:
Joseph John Kubala
Erin Colleen Kubala
DebtorsCase No. 19-40292-btr
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0540-4

User: shannonk
Form ID: pdf400Page 1 of 3
Total Noticed: 66

Date Rcvd: May 17, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 19, 2019.

db/jdb +Joseph John Kubala, III, Erin Colleen Kubala, 3505 Spruce Street,
Royse City, TX 75189-6228

cr +Freedom Mortgage Corporation, 14841 Dallas Parkway, Suite 425, Dallas, TX 75254-8067

cr +Hunt County, Linebarger Goggan Blair & Sampson LLP, c/o Melissa L. Palo,
2777 N. Stemmons Freeway, Suite 1000, Dallas, TX 75207-2328

cr +Woodland Creek of Royse City, c/o Riddle and Williams, 3811 Turtle Creek Blvd, Suite 500,
Dallas, TX 75219, US 75219-4497

7628128 24 Hour Physicians, Inc., P.O. Box 4346, Dept. 452, Houston, TX 77210-4346

7628129 AFNI, P.O. Box 94063, Palatine, IL 60094-4063

7628130 +Amcol Systems, Inc., 111 Lancewood Rd., Columbia, SC 29210-7523

7628131 +American Coradius International, LLC, 2420 Sweet Home Rd., Suite 150,
Amherst, NY 14228-2244

7628135 Baylor Scott & White, P.O. Box 842727, Dallas, TX 75284-2727

7628136 +Baylor University Medical Center, 3500 Gaston Avenue, Dallas, TX 75246-2088

7628137 +Bonial & Associates, P.C., 14841 Dallas Parkway, Suite 425, Dallas, TX 75254-8067

7628138 Burns, Cooper & Associates, P.O. Box 1459, Sulphur Springs, TX 75483-1459

7628140 CareNow, P.O. Box 743571, Atlanta, GA 30374-3571

7668929 +Chase Bank USA, N.A., c/o Robertson, Anschutz & Schneid, P.L.,
6409 Congress Avenue, Suite 100, Boca Raton, Florida 33487-2853

7628142 Chase Card Services, P.O. Box 15298, Wilmington, DE 19850-5298

7628148 Discover Financial Services, P.O. Box 733509, Dallas, TX 75373-3509

7628149 +Dish Network, 1910 Joe Stephens Ave., Weslaco, TX 78599-3702

7628150 Diversified Healthcare Services, Inc., P.O. Box 830808, Richardson, TX 75083-0808

7628151 +Fed Loan Servicing, ATTN: Bankruptcy, P.O. Box 69184, Harrisburg, PA 17106-9184

7628152 Financial Corporation of America, P.O. Box 732651, Dallas, TX 75373-2651

7628153 +First Choice Emergency Room, 220 E. Las Colinas, Ste. 1000, Irving, TX 75039-1226

7628154 Freedom Mortgage, 301 Harper Dr., Mt. Laurel, NJ 08054

7673162 +Freedom Mortgage Corporation, 10500 Kincaid Drive, Fishers, Indiana 46037-9764

7628155 GEICO, 2280 N Greenville Ave., Richardson, TX 75082-4412

7661418 +Hunt County, Linebarger Goggan Blair & Sampson, LLP, c/o Melissa L. Palo,
2777 N. Stemmons Frwy, Suite 1000, Dallas, TX 75207-2328

7628157 IC System, P.O. Box 64738, St. Paul, MN 55164-0378

7628159 Laboratory Corporation of America, 1801 1st Ave. S #101, Birmingham, AL 35233-1910

7628162 +Optum Bank, 2525 Lake Park Blvd, #101, Salt Lake City, UT 84120-8230

7628164 +PMAB, LLC, 4135 S Stream Blvd, #400, Charlotte, NC 28217-4636

7628163 Penn Credit Corporation, P.O. Box 69703, Harrisburg, PA 17106-9703

7628165 +QVC, 1200 Wilson Dr., West Chester, PA 19380-4262

7628166 Red River Valley Radiology, P.O. Box 100, Paris, TX 75461-0100

7628167 +Riddle & Williams, 3811 Turtle Creek Blvd., Suite 500, Dallas, TX 75219-4497

7661417 +Rockwall CAD, Linebarger Goggan Blair & Sampson, LLP, c/o Melissa L. Palo,
2777 N. Stemmons Frwy, Suite 1000, Dallas, TX 75207-2328

7628168 +Rockwall Urgent Care, 810 E Ralph Hall Pkwy, Rockwall, TX 75032-6879

7628169 +SUDDENLINK COMMUNICATIONS, 6013 63RD STREET, LUBBOCK TX 79424-2718
(address filed with court: Suddenlink Communications, 520 Maryville Centre Dr.,
St. Louis, MO 63141)

7628171 +Texas Health Physicians Group, 9229 LBJ Freeway, Dallas, TX 75243-4403

7628172 +Texas Medicine Resources, 1105 N Central Expy, Allen, TX 75013-6103

7628173 +Texas Secretary of State, 101 E. 15th St., Austin, TX 78778-1442

7628174 +The Mitchell Law Firm, L.P., 12720 Hillcrest Road, Suite 625, Dallas, Texas 75230-2163

7628176 USAA Federal Savings Bank, 10750 McDermott Freeway, San Antonio, TX 78288-9876

7628175 +United Revenue Corp, 204 Billings St., Suite 210, Arlington, TX 76010-2495

7628177 ++WALNUT HILL MEDICAL CENTER, 7515 GREENVILLE AVENUE, STE 710, DALLAS TX 75231-3848
(address filed with court: Walnut Hill Medical Center, 7502 Greenville Ave.,
Dallas, TX 75231)

7657345 Wells Fargo Bank, N.A., PO Box 10438, MAC F8235-02F, Des Moines, IA 50306-0438

7628178 +Wells Fargo Financial, 3455 Beltline Rd., N. Suite 215, Irving, TX 75062-7861

7628179 +Woodland Creek HOA, 3811 Turtle Creek Blvd., Suite 500, Dallas, TX 75219-4497

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

7628133 E-mail/Text: legal@arsnational.com May 18 2019 02:04:03 ARS National Services, Inc.,
P.O. Box 469046, Escondido, CA 92046-9046

7628134 +E-mail/Text: g20956@att.com May 18 2019 02:04:32 AT&T Mobility, P.O. Box 537104,
Atlanta, GA 30353-7104

7628132 E-mail/Text: bkrrpt@retrievalmasters.com May 18 2019 02:04:11
American Medical Collection Agency, P.O. Box 1235, Elmsford, NY 10523-0935

7660047 E-mail/PDF: resurgentbknofications@resurgent.com May 18 2019 02:05:17
Ashley Funding Services, LLC, Resurgent Capital Services, PO Box 10587,
Greenville, SC 29603-0587

7628141 E-mail/Text: ering@cbhv.com May 18 2019 02:04:10 CBHV, P.O. Box 831,
Newburgh, NY 12551-0831

7628147 E-mail/Text: bankruptcy@cutx.org May 18 2019 02:04:26 Credit Union of Texas,
P.O. Box 517028, Dallas, TX 75251

District/off: 0540-4

User: shannonk
Form ID: pdf400

Page 2 of 3
Total Noticed: 66

Date Rcvd: May 17, 2019

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

7657344 E-mail/Text: bankruptcy@cutx.org May 18 2019 02:04:26 Credit Union of Texas,
PO Box 515718, Dallas TX 75251
7632204 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM May 18 2019 02:05:03
Capital One Bank (USA), N.A., 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
7628139 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com May 18 2019 02:05:12
Capital One Bank, N.A., P.O. Box 30285, Salt Lake City, UT 84130-0285
7628143 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM May 18 2019 02:04:04 Comenity Bank,
4590 E. Broad Street, Columbus, OH 43213-1301
7628144 E-mail/Text: bankruptcy_notifications@ccsusa.com May 18 2019 02:04:44
Credit Collection Service, P.O. Box 55126, Boston, MA 02205-5126
7628145 E-mail/PDF: creditonebknofications@resurgent.com May 18 2019 02:05:00 Credit One Bank,
P.O. Box 60500, City of Industry, CA 91716-0500
7628146 +E-mail/Text: CSIBKR@CREDITSYSTEMSINTL.COM May 18 2019 02:04:37 Credit Systems International,
1277 Country Club Lane, Fort Worth, TX 76112-2304
7634644 +E-mail/Text: DSLBKYP@discover.com May 18 2019 02:04:26 Discover Student Loans,
PO Box 30925, Salt Lake City, UT 84130-0925
7628158 E-mail/Text: cio.bncmail@irs.gov May 18 2019 02:03:59 Internal Revenue Service,
Special Procedures - Insolvency, P.O. Box 7346, Philadelphia, PA 19101-7346
7671571 E-mail/PDF: resurgentbknofications@resurgent.com May 18 2019 02:05:03 LVNV Funding, LLC,
Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
7650514 +E-mail/Text: bankruptcydpt@mcmcg.com May 18 2019 02:04:11 MIDLAND FUNDING LLC,
PO Box 2011, Warren, MI 48090-2011
7628160 +E-mail/Text: rcpsbankruptcyntices@parallon.com May 18 2019 02:04:46 Mediacredit,
P.O. Box 1629, Maryland Heights, MO 63043-0629
7628161 E-mail/Text: bankruptcydpt@mcmcg.com May 18 2019 02:04:11 Midland Credit Management (MCM),
P.O. Box 60578, Los Angeles, CA 90060-0578
7628165 +E-mail/Text: BKMmailbox@QVC.com May 18 2019 02:03:14 QVC, 1200 Wilson Dr.,
West Chester, PA 19380-4262
7628170 E-mail/PDF: gecsed@recoverycorp.com May 18 2019 02:05:11 Synchrony Bank,
ATTN: Bankruptcy Dept., P.O. Box 965061, Orlando, FL 32896-5061

TOTAL: 21

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr* +Rockwall CAD, Linebarger Goggan Blair & Sampson, LLP, c/o Melissa L. Palo,
2777 N. Stemmons Frwy, Suite 1000, Dallas, TX 75207-2328
7628156 ##+Hunt Regional Medical Center, 4215 Joe Ramsey Blvd. E, Greenville, TX 75401-7852
TOTALS: 0, * 1, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner
shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social
Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required
by the bankruptcy rules and the Judiciary's privacy policies.**

Date: May 19, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system on May 17, 2019 at the address(es) listed below:

Carey D. Ebert on behalf of Trustee Carey D. Ebert, ECFch13plano@ch13plano.com
Carey D. Ebert, ECFch13plano@ch13plano.com
Chandra Dianne Pryor on behalf of Creditor Freedom Mortgage Corporation
chandra.pryor@bonialpc.com
Gregory W. Mitchell on behalf of Joint Debtor Erin Colleen Kubala greg@mitchellps.com
Gregory W. Mitchell on behalf of Debtor Joseph John Kubala, III greg@mitchellps.com
Lance E. Williams on behalf of Creditor Woodland Creek of Royse City
lwilliams@riddleandwilliams.com, ashanks@riddleandwilliams.com

District/off: 0540-4

User: shannonk
Form ID: pdf400

Page 3 of 3
Total Noticed: 66

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The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system (continued)

Melissa L. Palo on behalf of Creditor Hunt County melissa.palo@lgbs.com,
Julie.wilson@lgbs.com
Melissa L. Palo on behalf of Creditor Rockwall CAD melissa.palo@lgbs.com,
Julie.wilson@lgbs.com
US Trustee USTPRegion06.TY.ECF@USDOJ.GOV

TOTAL: 9